

### REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims comply with 35 U.S.C. § 101 and are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicant will now address each of the issues raised in the outstanding Office Action.

#### Objections

The abstract is objected to for a minor informality. Since the abstract, as amended, corrects the minor informality, this objection should be withdrawn.

#### Rejections under 35 U.S.C. § 101

Claims 1-42 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Method claims 1-21 have been amended to recite that the method is machine-implemented. This precludes

performance of the claimed method by a human with paper and pencil.

Apparatus claims 22-42 recite means-plus-function elements. Figure 15 and section 4.2.3 describe exemplary structure that may be used to perform the recited steps. Thus, the applicant respectfully disagrees with the Examiner's conclusion that these claims "are drawn to an abstract idea and fails [sic] to recite hardware to make it [sic] tangible." Paper No. 04272006, page 3.

Finally, independent claims 1, 8, 22 and 29 have been amended to recite an act of (or means for) sending at least some of filtered items (that were generated by applying retrieved items to a performance threshold) towards a client device for rendering. This is clearly a useful, concrete and tangible result.

In view of the foregoing, the applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-42 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,785,671 ("the Bailey patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claims 1 and 22 are not anticipated by the Bailey patent at least because the Bailey patent does not teach an act of (or means for) applying each of a number of items (retrieved using an item request including (i) a word included in an accepted search query, and (ii) one or more words determined to be

related to the word included in the accepted search query) to a performance threshold to generate a set of filtered items, *wherein the performance of any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query is applied to a higher performance threshold than the performance threshold used for any items retrieved on the basis of the word included in the accepted search query.* That is, the Bailey patent does not apply items to different performance thresholds depending on whether they were retrieved on the basis of a word in a received search query, or a related word.

The Bailey patent is directed to solving two problems. First, it is directed to solving the problem of effectively presenting groups of related products that span multiple predefined categories. (See, e.g., column 1, line 47 through column 2, line 4.) Second, it is directed to solving the problem of locating a Website from which a particular product may actually be purchased. (See, e.g., column 2, lines 5-19.) To address the first problem, using a search query, the Bailey patent ranks both product categories and results within the product categories. (See, e.g., column 2, lines 30-59, and Figures 6 and 8.) To address the second problem, the Bailey patent ranks (e.g., in advance of receiving the search query) Web pages (with a "product score") based on the likelihood that the page offers a product for sale. (See, e.g., column 2, line 60 through column 3, line 9. and column 170 of Figure 1.)

Generally, the Bailey patent ranks various different results and/or categories using various different techniques such as, for example, term frequency (TF),

inverse document frequency (IDF), sections of a document in which matching terms are found, popularity (e.g., derived from logs), combinations (e.g., sums) of result popularity within a product category, rules related to how likely a page is selling a product, number of matching terms, etc. (See, e.g., column 11, line 52 through column 13, line 45; and column 15, line 42 through column 25, line 42.) However, these ranking and/or scoring techniques do not apply items to different performance thresholds depending on whether they were retrieved on the basis of a word in a received search query, or a related word

The Examiner cites column 9, line 56 through column 10, line 15 as teaching applying each of a number of items (retrieved using an item request including (i) a word included in an accepted search query, and (ii) one or more words determined to be related to the word included in the accepted search query) to a performance threshold to generate a set of filtered items, wherein the performance of any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query is applied to a higher performance threshold than the performance threshold used for any items retrieved on the basis of the word included in the accepted search query. (See Paper No. 04272006, pages 4 and 5.) The applicant respectfully disagrees. Presenting more relevant product categories first does not teach filtering, nor does it teach filtering using different thresholds depending upon whether an item was retrieved on the basis of a word included in an accepted search query, or a related word.

In the Bailey patent, thresholding is used to filter out Web pages not associated with product offerings. (See, e.g., Figure 5 and column 11, line 13 through column 15, line 40.) However, such thresholding is applied when constructing a database of crawled product Web pages, and is independent of a search query. Indeed, it occurs before a search query is received and processed. More specifically, the product scores for Web pages are determined based on rules which analyze the content of the Web page (See, e.g., column 11, line 52 through column 12, line 67.) and applied to a predetermined threshold (e.g., 30) (See, e.g., column 13, lines 1-14.). Although the product scores can be applied to a threshold when processing a search query (See, e.g., column 15, lines 1-40.), the threshold is predetermined and does not depend upon whether an item was retrieved on the basis of a word included in an accepted search query, or a related word.

As can be appreciated from the foregoing, the scoring and ranking aspects of the Bailey patent are different from the specifics of the thresholding claimed. Moreover, the thresholding applied to product scores when generating a product spider database does not teach applying each of a number of items (retrieved using an item request including (i) a word included in an accepted search query, and (ii) one or more words determined to be related to the word included in the accepted search query) to a performance threshold to generate a set of filtered items, ***wherein the performance of any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query is applied to a higher performance***

*threshold than the performance threshold used for any items retrieved on the basis of the word included in the accepted search query.*

Thus, independent claims 1 and 22 are not anticipated by the Bailey patent for at least the foregoing reason. Since claims 2-7 and 23-28 depend, either directly or indirectly, from claims 1 and 22, respectively, these claims are similarly not anticipated by the Bailey patent.

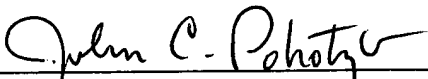
Similarly, independent claims 8 and 29 are not anticipated by the Bailey patent at least because the Bailey patent does not teach an act of (or means for) applying each of the relevant items to a performance threshold to generate a set of filtered items, *wherein for a given item, the performance threshold is a function of the confidence measure associated with the determination of relevance of the item.* Thus, independent claims 8 and 29 are not anticipated by the Bailey patent for at least the foregoing reason. Since claims 9-21 and 30-42 depend, either directly or indirectly, from claims 8 and 29, respectively, these claims are similarly not anticipated by the Bailey patent.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Respectfully submitted,

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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **September 5, 2006** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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